

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

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KELLEY FOODS OF ALABAMA, INC.

PLAINTIFF

VERSUS

CLARA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA
CIVIL CAUSE NO. 1:04cv 1246-B

MYERS NISSI & CO., INC., a corporation,
d/b/a VERTICALSOFT

DEFENDANT


DEFENDANT'S WITNESS LIST

NOW INTO COURT, through undersigned counsel, comes defendant, Myers Nissi & Co., Inc., and pursuant to the Court's scheduling order entered in this matter, provides the following list of witnesses who may be called to testify on its behalf at trial:

1. Richard Nissi
Myers Nissi & Co., Inc.
5 Pond Park Road, Suite 2
Hingham, MA 02189
2. Don Tyler
Myers Nissi & Co., Inc.
5 Pond Park Road, Suite 2
Hingham, MA 02189
3. Jim Stoltz
Myers Nissi & Co., Inc.
5 Pond Park Road, Suite 2
Hingham, MA 02189
4. Jack Reynolds
Myers Nissi & Co., Inc.
5 Pond Park Road, Suite 2
Hingham, MA 02189

5. Edwin Kelley
Kelley Foods of Alabama, Inc.
Coffee County Road #404
Alba, AL 36323
6. Alex Mount
Kelley Foods of Alabama, Inc.
Coffee County Road #404
Alba, AL 36323
7. Scott Kelley
Kelley Foods of Alabama, Inc.
Coffee County Road #404
Alba, AL 36323
8. Any witness listed by any other party
9. Any witness not listed above who is necessary to rebut the testimony of any witness called by any other party.

Respectfully submitted,

By 

JOHN M. HERKE (#HER045)
PAUL D. PALERMO T.A. (#19725)
SPYRIDON, KOCH, PALERMO &
DORNAN
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Metairie, Louisiana 70002
Telephone: (504) 830-7800
Facsimile: (504) 830-7810
Counsel for Myers Nissi & Co., Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been mailed to all parties to this proceeding, by mailing a copy of same to each by First Class United States mail, properly addressed and postage prepaid on this 2nd day of 04, 2005.

defendants witness list.wpd

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